

EXHIBIT D

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:)
Hillview Market, LLC) Case No.: 24-PRO-00084
t/a Indigo Chapter 2) License No.: ABCA-128552
) Order No.: 2025-001
Application for a New)
Retailer's Class CR License)
)
at premises)
2324 North Capitol Street, N.W.)
Washington, D.C. 20002)
)

BEFORE: Donovan Anderson, Chairperson
Silas Grant, Jr., Member
Ryan Jones, Member
David Meadows, Member¹

PARTIES: Stephen J. O'Brien and Manalle Mahmoud, Counsels, on behalf of
Hillview Market, LLC, t/a Indigo Chapter 2, Applicant

Karla Lewis and Kevin Rapp, Commissioners, Advisory Neighborhood
Commission (ANC) 5E, Protestant

Kirby Vining and Katherine Young, Designated Representatives, on
behalf of a Group of Five Individuals, Protestant

Pam Mendelson, Designated Representative, on behalf of a Group of Eight
Individuals, Protestant

Evelyn Brown, Designated Representatives, on behalf of Bloomington
Civic Association (BCA), Protestant²

¹ In light of Board Member Short leaving the Board during the pendency of this case and the appointment of new
Board Members, Board Member Meadows is participating in this case after having reviewed the record and
evidence in this case in accordance with D.C. Official Code § 2-509(d).

² Board Member Quinn was previously a party to this protest as a representative of the Bloomington Civic
Association. She was later appointed to the Board; therefore, Board Member Quinn has recused herself from this
matter.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

INTRODUCTION

The Alcoholic Beverage and Cannabis Board (Board) approves the Application for a New Retailer's Class CR License filed by Hillview Market, LLC, t/a Indigo Chapter 2 (hereinafter "Applicant" or "Indigo") subject to conditions to ensure the business operates as described by the ownership.

Procedural Background

The Notice of Public Hearing advertising Indigo's Application was posted on June 14, 2024, and informed the public that objections to the Application could be filed on or before July 29, 2024. *ABCA Protest File No. 24-PRO-00084*, Notice of Public Hearing [*Notice of Public Hearing*]. The records of the Alcoholic Beverage and Cannabis Administration (ABCA) indicate that Advisory Neighborhood Commission (ANC) 5E, two groups of residents or property owners, and the Bloomington Civic Association (collectively, hereinafter "Protestants") have filed a protest against the Application. *ABCA Protest File No. 24-PRO-00084*, Roll Call Hearing Results.

The parties came before the Board's Agent for a Roll Call Hearing on August 19, 2024, where all of the above-mentioned objectors were granted standing to protest the Application. Finally, the Protest Hearing in this matter occurred on October 23, 2024, and October 29, 2024.

The Board recognizes that an ANC's properly adopted written recommendations are entitled to great weight from the Board. D.C. Code §§ 1-309.10(d), 25-609; *Foggy Bottom Ass'n v. District of Columbia Alcoholic Beverage Control Bd.*, 445 A.2d 643, 646 (D.C. 1982). Accordingly, the Board "must elaborate, with precision, its response to the ANC['s] issues and concerns." *Foggy Bottom Ass'n*, 445 A.2d at 646. The Board notes that it received a properly adopted written recommendation from ANC 5E, which indicated that its protest is based on concerns regarding the Applicant's impact on peace, order, and quiet; residential parking and vehicular and pedestrian safety; and real property values. The ANC's issues and concerns shall be addressed by the Board in its Conclusions of Law below.

During the hearing, the Applicant objected to the standing of the Group of Five represented by ANC Commissioner Kirby Vining. *Transcript (Tr)*, October 29, 2024 at 90. "In 2006, the Board . . . found that the phrase 'common grounds' in [D.C. Official Code] § 25-601(2) also requires group members to establish 'geographic proximity.'" *In re Tae Kwang, Inc., t/a Sylvias Liquors*, Case No. 15-PRO-00037, Board Order No. 2015-298, ¶ 7 (D.C.A.B.C.B. Jun. 10, 2015) citing *In re Wami, LLC, t/a Be Bar*, Case No. 61087-06/005P, Board Order No. 2006-030, 13 (D.C.A.B.C.B. Aug. 16, 2006). "For the purposes of determining geographic proximity under the common grounds requirement, a person that does not live or own property within 1,800 feet of the establishment cannot establish sufficient geographic proximity to satisfy

the requirements of § 25-601(2).” *In re Tae Kwang, Inc., t/a Sylvias Liquors*, Case No. 15-PRO-00037, Board Order No. 2015-298, ¶ 9 (D.C.A.B.C.B. Jun. 10, 2015). Therefore, where the record shows that the group members in this case live within 1,400 feet of the establishment, and it was not established that too many members live beyond 1,800 feet of the proposed location, the group was appropriately granted standing, and the motion must be denied. *Tr.*, 10/29/24 at 89-90.

Turning to the merits, based on the issues raised by the Protestants, the Board may only grant the Application if the request will not have an adverse impact on the peace, order, and quiet; residential parking and vehicular and pedestrian safety; and real property values of the area located within 1,200 feet of the establishment. D.C. Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2024).

FINDINGS OF FACT

The following statements represent the Board’s findings of fact based on the evidentiary record. In reaching its determination, the Board considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board’s official file. The Board credits all testimony and evidence identified or cited below unless otherwise stated.

I. Background

1. Indigo has submitted an Application for a New Retailer’s Class CR License at 2324 North Capitol Street, N.W., Washington, D.C. *Notice of Public Hearing*.
2. ABCA Investigator Kevin Hall investigated the Application and prepared the Protest Report submitted to the Board. *ABCA Protest File No. 24-PRO-00084, Protest Report* (Oct. 2024) [Protest Report]. The proposed establishment is in a residential flat (RF) zone, which is designated for row house dwellings and two-dwelling units. *Id.* at 5; *Transcript (Tr.)*, October 23, 2024 at 47. The premises appear well-maintained, and the interior is undergoing construction. *Protest Report*, at *Exhibit Nos. 8-12*; *Tr.*, 10/23/24 at 47. The only licensed establishment within 1,200 feet of the proposed location is a Class B Grocery Store. *Protest Report*, at 5. There are no schools, recreation centers, public libraries, or day care centers located within 400 feet of the establishment. *Id.* at 5.
3. The establishment’s initial proposed hours of operation; hours of sale, service, and consumption; and entertainment are from 6:00 a.m. until 2:00 a.m. on most days. *Id.* at 6. On Friday and Saturday, the establishment’s proposed hours end at 3:00 a.m. *Id.* The sidewalk café will operate from 10:00 a.m. until 10:00 p.m. on most days. *Id.* On Friday and Saturday, the sidewalk café has been proposed to cease operations at 2:00 a.m. *Id.*
4. ABCA investigators visited the proposed location on four separate occasions between October 8, 2024, and October 11, 2024. *Id.* The investigators reported nothing of concern in the report and noted that the establishment was not open during this period. *Id.* at 6-7

5. The Rhode Island Metro station is located approximately 1.1 miles away from the establishment. *Id.* at 7. There are 8 metro bus routes nearby. *Id.* The establishment does not have a parking lot and there is limited street parking in the vicinity. *Id.*

6. The business is located in a residential area, but on the corner of North Capitol Street, N.W., and Bryant Street, N.W., which is a busy throughfare. *Tr.*, 10/23/24 at 49, 55-56. Investigator Hall noted that this location featured a lot of vehicle traffic. *Id.* at 56.

7. The establishment will operate out of a two-level structure. *Id.* The kitchen is in the basement. *Id.* The building that will be occupied by the establishment is currently vacant. *Id.* at 58.

I. Dinesh Tandon

8. Dinesh Tandon bought the building at 2324 North Capitol Street, N.W., in 2021. *Tr.*, October 29, 2024 at 10. The building was purchased for approximately \$1 million dollars and is worth about \$1.5 million dollars currently. *Id.* at 11-12. He bought the building with the intent to open a restaurant. *Id.* at 12. At the time of purchase, the building was initially occupied by a convenience store and the property was run down. *Id.*

9. Mr. Tandon discussed his experience in the restaurant industry. *Id.* at 14. He has operated a restaurant for approximately 11 years. *Id.* The restaurant is located at 253 K Street, N.E., in the NOMA neighborhood, and is called "Indigo." *Id.* at 15. Indigo in NOMA obtains approximately 80 percent of its revenue from food sales, and 20 percent of its revenue from alcohol sales. *Id.* His establishment has been featured in the Michelin guide and the Washington Post. *Id.* at 15-16. In his experience, patrons at NOMA typically arrive by walking and rideshare, while only a few patrons drive. *Id.* at 16. The operation at the proposed location will be like the operation in NOMA. *Id.* at 17. The owner further expects that the business will focus on food sales over alcohol sales. *Id.* at 53.

10. The proposed Indigo at 2324 North Capitol Street, N.W., expects to have an interior occupancy of 62 seats, with 10 of those being dedicated bar seats. *Id.* at 18, 53. The sidewalk café will have an expected occupancy of 33 seats. *Id.* at 18-19.

11. In response to some of the concerns raised by community members, the Applicant consents to the following changes to the application:

1. Reducing the hours of operation for the interior to 7:00 a.m. to midnight, every day;
2. Reducing the hours of the sidewalk cafe to 10:00 a.m. to 10:00 p.m., Sunday through Thursday, and to 10:00 a.m. to 11:00 p.m. on Friday and Saturday; and
3. Withdrawing the request for an entertainment endorsement.

Id. at 20-22.

12. Based on the closure of the establishment at midnight, the ownership expects that the last orders will be taken at around 10:30 p.m. *Id.* at 20. At 11:00 p.m., the ownership expects that patrons in the sidewalk café area will be moved to the interior if still present. *Id.* at 21.

13. Mr. Tandon discussed his plans for the sidewalk café. *Id.* at 21. Lighting on the sidewalk café will be directed towards the interior of the premises. *Id.* There will be no exterior speakers. *Id.* Additionally, interior speakers will not be directed to the exterior. *Id.* at 22.

14. Mr. Tandon discussed parking in the vicinity of the establishment. *Id.* at 23. In order to discourage people from driving, the ownership is amenable to using its website to encourage the use of public transportation and rideshare. *Id.* The ownership is also amenable to advising patrons that parking in the area is limited. *Id.* The District of Columbia Department of Transportation also reviewed traffic and parking in the area found no negative impact on transportation. *Id.* at 24. He also observed parking available in the neighborhood at various times. *Id.* at 33.

15. Mr. Tandon also discussed his trash management plans. *Id.* Trash pickup will occur six days per week. *Id.* The trash area will be enclosed by a fence and out of sight. *Id.* at 25. Pest control at the premises will occur at least twice per month. *Id.* The business will also hose off the sidewalk every day, weather permitting. *Id.*

II. Christopher Curry

16. Christopher Curry lives approximately three blocks from the proposed establishment. *Tr.*, 10/23/24 at 68. Mr. Curry supports the application and believes it will be positive for the community. *Id.* at 69. As a resident, he has not experienced issues finding parking and has observed that many people in the community have parking spots on their property. *Id.* at 70. In the past, he visited the owner's other establishment and found the other establishment to operate as a casual restaurant. *Id.* at 75.

III. Jessica Niewold

17. Jessica Niewold lives approximately 100 feet across the street from the proposed location of the restaurant. *Id.* at 86. She believes a functioning business will promote public safety in the community. *Id.* She also believes that owner has a good record as an operator based on the other establishments he operates and her experience as a patron at his establishment in NOMA. *Id.* at 86-87. She has no concerns regarding parking or vehicular and pedestrian safety. *Id.* at 88-91.

IV. Lola Peres

18. Lola Peres lives approximately one block from the establishment's proposed location. *Id.* at 102. She supports the application. *Id.* She believes the addition of the establishment will be an asset to the community because the owner has renovated a blighted property. *Id.* at 104. She does not believe parking is an issue in the community despite the presence of government facilities and a hospital. *Id.* at 105.

V. Andrew Maloney

19. Andrew Maloney lives across the street from the owner's other establishment in the NOMA neighborhood. *Id.* at 120. Based on his experience as a neighbor, the other Indigo in NOMA is "vibrant, popular, [and] respectful." *Id.* at 121. The other Indigo operates within its hours, does not generate excessive noise, does not cause violence in the community, and does not detract from the livability of this community. *Id.* at 122. The establishment in NOMA is also "Michelin-recommended." *Id.* at 123.

VI. Meghan Robins

20. Meghan Robins lives approximately 300 feet from the proposed location. *Id.* at 132. She supports the application. *Id.*

VII. ANC Commissioner Kirby Vining

21. ANC Commissioner Kirby Vining is concerned that the operation of a restaurant would increase trash, traffic, and parking demand. *Id.* at 74, 77.³

VIII. Maya Kavaler

22. Maya Kavaler lives on Bryant Street, N.W., approximately 21 feet from the establishment. *Id.* at 117-18. Her home faces the establishment proposed sidewalk café and trash area. *Id.* at 118. She noted that many residents are present around the establishment. *Id.* at 119. She currently observes trash and litter, including broken glass, near her home. *Id.* at 127. She is also concerned about patron noise from the patio. *Id.* at 125.

IX. Evelyn Brown

23. Evelyn Brown lives approximately three houses away from the proposed location. *Id.* at 143. She opposes the application. *Id.* at 144. She is concerned about noise from the patio and noise from persons leaving and entering the premises. *Id.* at 147-48. She is also aware of litter in the vicinity of the premises and is concerned about encouraging vermin. *Id.* at 149, 156.

X. Sylvia Baffour

24. Sylvia Baffour lives in the community. *Id.* at 162. She is concerned that restaurant patrons will use parking while patronizing the business. *Id.*

CONCLUSIONS OF LAW

25. The Board may approve an Application for a New Retailer's Class CR License when the proposed establishment will not have an adverse impact on the neighborhood. D.C. Code §§ 25-104, 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2024). Specifically, the question

³ The Board reviewed the testimony of Eric Woods but did not discern any information relevant to the issue of appropriateness.

in this matter is whether the Application will have a negative impact on the peace, order, and quiet; residential parking and vehicular and pedestrian safety; and real property values of the area located within 1,200 feet of the establishment. D.C. Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2024).

I. The Burden of Proof Lies with the Applicant to Prove its Case Through Substantial Evidence.

26. The burden of proof in this matter is assigned to the Applicant. D.C. Code § 25-311(a). “. . . [T]he Applicant in meeting its burden may rely on the record as a whole, which includes information provided in the Protest Report and the Protestant’s case, and not just what the Applicant presents during its case-in-chief.” *In re The New 7307, t/a Premier Lounge*, Case No. 22-PRO-000222, Board Order No. 2022-701, ¶ 1 (D.C.A.B.C.B. Oct. 19, 2022) *citing Esgar Corp. v. Commissioner of Internal Revenue*, 744 F.3d 648, 655 (10th Cir. 2014); *see also Washington Metro. Area Transit Auth. v. Dist. of Columbia Dept. of Employment Services*, 992 A.2d 1276, 1283 (D.C. 2010) *citing Dale v. S & S Builders, LLC*, 188 P.3d 554, 561 (Wyo. 2008) (saying in determining whether a party met its burden during an administrative hearing the court will look at the “record as a whole”). The Board further notes that where there is an “absence of evidence on an essential point [this] supports denial rather than granting of an application.” *Conrad v. Dist. of Columbia Alcoholic Beverage Control Bd.*, 21-AA-748, 2023 WL 163964, at *5 (D.C. Jan. 12, 2023).

II. Indigo is Appropriate for the Neighborhood.

27. Under the appropriateness test, “the applicant shall bear the burden of proving to the satisfaction of the Board that the establishment for which the license is sought is appropriate for the locality, section, or portion of the District where it is to be located . . .” D.C. Code § 25-311(a). In determining appropriateness, the Board must consider whether the Applicant’s future operations will satisfy the reasonable expectations of residents to be free from disturbances and other nuisances—not just whether the Application complies with the minimum requirements of the law. D.C. Council, Bill 6-504, the “*District of Columbia Alcoholic Beverage Control Act Reform Amendment Act of 1986*,” Committee on Consumer and Regulatory Affairs, 38 (Nov. 12, 1986); *see Panutat, LLC v. D.C. Alcoholic Beverage Control Bd.*, 75 A.3d 269, 277 n. 12 (D.C. 2013) (“However, in mandating consideration of the effect on peace, order, and quiet, § 25-313(b)(2) does not limit the Board’s consideration to the types of noises described in § 25-725.”). As part of its analysis, the Board should evaluate each “unique” location “according to the particular circumstances involved” and attempt to determine the “prospective” effect of the establishment on the neighborhood. *Le Jimmy, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 433 A.2d 1090, 1093 (D.C. 1981). Furthermore, the analysis may also include the Applicant’s efforts to mitigate or alleviate operational concerns, the “character of the neighborhood,” the character of the establishment, and the license holder’s future plans. *Donnelly v. District of Columbia Alcoholic Beverage Control Board*, 452 A.2d 364, 369 (D.C. 1982) (saying that the Board could rely on testimony related to the licensee’s “past and future efforts” to control negative impacts of the operation); *Upper Georgia Ave. Planning Comm. v. Alcoholic Beverage Control Bd.*, 500 A.2d 987, 992 (D.C. 1985) (saying the Board may consider an applicant’s efforts to “alleviate” operational concerns); *Citizens Ass’n of Georgetown, Inc. v. D.C. Alcoholic Beverage Control*

Bd., 410 A.2d 197, 200 (D.C. 1979); *Gerber v. D.C. Alcoholic Beverage Control Bd.*, 499 A.2d 1193, 1196 (D.C. 1985); *Sophia's Inc. v. Alcoholic Beverage Control Bd.*, 268 A.2d 799, 800-801 (D.C. 1970).

a. Indigo will not have a negative impact on peace, order, and quiet.

28. “In determining the appropriateness of an establishment, the Board shall consider . . . [t]he effect of the establishment on peace, order, and quiet, including the noise and litter provisions set forth in §§ 25-725 and 25-726.” D.C. Code § 25-313(b)(2); *see also* D.C. Code §§ 25-101(35A), 25-314(a)(4). Among other considerations, the Board is instructed to consider “noise, rowdiness, loitering, litter, and criminal activity.” 23 DCMR § 400.1(a) (West Supp. 2024). The Board has previously found that establishments operating as legitimate restaurants are unlikely to have operations that encourage antisocial behavior or disorder. *In re Pal the Mediterranean Spot, LLC, t/a Pal the Mediterranean Spot*, Case No. 13-PRO-00101, Board Order No. 2014-038, ¶ 29 (D.C.A.B.C.B. Jan 22, 2014) (citations removed); *In re District Falafel I, LLC, t/a Amsterdam Falafelshop*, Case No. 14-PRO-00009, Board Order No. 2014-242, ¶ 37 (D.C.A.B.C.B. Jun. 4, 2014).

29. In this case, Indigo intends to operate as a legitimate restaurant where the ownership intends to operate a restaurant focused on food service at the proposed location similar to its other successful operation in NOMA. *Supra*, at ¶¶ 8-9. Allegations that the business will encourage disorder or other disturbances are wholly speculative where no such behavior can be tied to its other establishment in the District. *Id.* at ¶ 9. It is further speculative to allege that the business will have a negative impact on peace, order, and quiet, where its operations will end at midnight, its outdoor seating will not extend past 11:00 p.m., and it will not have an entertainment endorsement, which is reasonable for a residential area. *Supra*, at ¶ 11, 23. There is also no evidence that the ownership has mismanaged its trash at the other location or that patrons at its other location regularly engage in creating litter. Therefore, the Board finds in favor of Indigo on this issue.

b. Indigo will not have a negative impact on residential parking needs and vehicular and pedestrian safety.

30. “In determining the appropriateness of an establishment, the Board shall consider . . . [t]he effect of the establishment upon residential parking needs and vehicular and pedestrian safety . . .” D.C. Code § 25-313(b)(3); *see also* D.C. Code §§ 25-101(35A), 25-314(a)(4). Among other considerations, the Board is instructed to consider the availability of both private and public parking, any parking arrangements made by the establishment, whether “[t]he flow of traffic . . . will be of such pattern and volume as to . . . increase the [reasonable] likelihood of vehicular [or pedestrian] accidents . . .” 23 DCMR § 400.1(b), (c) (West Supp. 2024). In this case, the establishment does not appear overly large with a capacity of approximately 100 persons. *Supra*, at ¶ 10. Moreover, the establishment is also located near bus routes, which provides some public transportation access. *Supra*, at ¶ 6. As a result, at this time, it is purely speculative to argue that an establishment the size of Indigo would have such a large impact on the availability of residential parking that it would make it overly difficult for residents to find parking. *Supra*, at ¶¶ 16-17, 21. Finally, there is also no evidence that anything in the proposed

operations would encourage traffic accidents or that the streets outside the premises are unreasonably dangerous. Therefore, the Board finds in favor of Indigo on this issue.

c. Indigo will not have a negative impact on real property values.

31. In determining whether an establishment is appropriate, the Board must examine whether the establishment is having a negative effect on real property values. D.C. Code § 25-313(b)(1). The Board has noted in the past that the presence of blight may have a negative impact on property values. *In re Historic Restaurants, Inc., t/a Washington Firehouse Restaurant, Washington Smokehouse*, Case No. 13-PRO-0031, Board Order No. 2014-107, ¶ 48 (D.C.A.B.C.B. Apr. 2, 2014) *citing In re Rail Station Lounge, LLC, t/a Rail Station Lounge*, Case No. 10-PRO-00153, Board Order No. 2011-216, ¶ 62 (D.C.A.B.C.B. Jun. 15, 2011). In this case, the Board credits testimony that Indigo is renovating and improving a blighted property, which will likely have a positive impact on residential property values. *Supra*, at ¶ 18. Therefore, the Board finds in favor of Indigo on this issue.

III. The Board Imposes Conditions on the License Due to the Board's Reliance on the Applicant's Concessions.

32. In light of the Board's findings regarding appropriateness, the Board finds it necessary to impose conditions on the Applicant's license. *See In re Dos Ventures, LLC, t/a Riverfront at the Ball Park*, Case No. 092040, Board Order No. 2014-512. ¶ 49 (D.C.A.B.C.B. Nov. 13, 2013) (saying “[i]n practice, the Board has imposed conditions when it is shown that there are valid concerns regarding appropriateness that may be fixed through the imposition of specific operational limits and requirements on the license”). Under § 25-104(e), the Board is granted the authority to impose conditions on a license when “. . . the inclusion of conditions will be in the best interest of the [neighborhood] . . .” D.C. Code § 25-104(e). Based on the testimony provided by Indigo and its relation to the Board's findings, the Board imposes conditions to ensure that the portions of the concessions made by the Applicant related to the Board's conclusions are put into effect. *Supra*, at ¶ 11.

IV. The Application Satisfies All Remaining Requirements Imposed by Title 25.

33. Finally, the Board is only required to produce findings of fact and conclusions of law related to those matters raised by the Protestants in their initial protest. *See Craig v. District of Columbia Alcoholic Beverage Control Bd.*, 721 A.2d 584, 590 (D.C. 1998) (“The Board's regulations require findings only on contested issues of fact.”); 23 DCMR § 1718.2 (West Supp. 2024). Accordingly, based on the Board's review of the Application and the record, the Applicant has satisfied all remaining requirements imposed by Title 25 of the D.C. Official Code and Title 23 of the D.C. Municipal Regulations.

ORDER

Therefore, the Board, on this 8th day of January 2025, hereby **APPROVES** the Application for a New Retailer's Class CR License at premises 2324 North Capitol Street, N.W.,

filed by Indigo. As a **CONDITION** of licensure, in accordance with D.C. Official Code § 25-104(e),

1. The maximum hours of the interior premises shall be limited to 7:00 a.m. to midnight;
2. The maximum hours of operation for the sidewalk cafe to 10:00 a.m. to 10:00 p.m., Sunday through Thursday, and to 10:00 a.m. to 11:00 p.m. on Friday and Saturday; and
3. The request for an entertainment endorsement is deemed **WITHDRAWN** and shall not be granted at this time.

IT IS FURTHER ORDERED that the Applicant may apply to modify the terms of this Order by filing an application for a substantial change during or after its next renewal period.

IT IS FURTHER ORDERED that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision. The omission of any testimony or evidence in the Board's Order indicates that such testimony or evidence was contravened by the evidence or testimony credited by the Board, had no or minimal weight on the Board's findings and conclusions, was irrelevant, was not credible, was not truthful, was repetitious, was too speculative, or was otherwise inappropriate for consideration.

The ABCA shall deliver a copy of this order to the Parties.

District of Columbia
Alcoholic Beverage and Cannabis Board



Donovan Anderson, Chairperson

A handwritten signature of Silas Grant, Jr. in black ink.

Silas Grant, Jr., Member

Ryan Jones, Member

A handwritten signature of David Meadows in black ink.

David Meadows, Member

The Board Members below are recused.

Teri Janine Quinn, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage and Cannabis Administration, 899 North Capitol Street, N.E. Suite 4200-A, Washington, D.C. 20002.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App. Rule 15(b) (2004).